<u>**REMARKS**</u>

Claims 1-29 have been rejected. Claims 30-34 are withdrawn. In response, claims 1, 6, 10-12, 14, 16-20, and 25 have been amended, and no claims have been cancelled. Accordingly, claims 1-34 remain pending.

<u>October 2007 Telephonic Conversation with the Examiner</u>

In October 2007, the Examiner and Applicants' agent discussed potential amendments to claim 1. The Examiner and Applicants' agent agreed on claim language, but that agreement was not subsequently manifested in an Examiner's amendment. While Applicants do not believe that the new reference cited in the rejection below cures any of the deficiencies of the previously cited art, Applicants have nonetheless, in the interest of expeditiously bringing prosecution to a close, amended claim 1 to substantially reflect the claim amendment discussed between Applicants' agent and the Examiner.

<u>Claim Rejections under 35 U.S.C. § 103</u>

In "Claim Rejections – 35 USC § 103," item 2 on page 2 of the above-identified Office Action, claims 1-29 have been rejected as being unpatentable over U.S. Patent No. 6,330,010 to *Nason et al.* (hereinafter "Nason") and U.S. Patent No. 6,151,059 to *Schein et al.* (hereinafter "Schein") and U.S. Patent No. 5,844,569 to *Eisler et al.* (hereinafter "Eisler") under 35 U.S.C. § 103(a).

More specifically, the Examiner cites Nason and Schein for most elements of claim 1, but states that Nason and Schein "do not go into exact details that the operating system controllable primary display area is specifically not the overscan area per se". The Examiner then adds a caveat to the acknowledged deficiency, stating that Nason and Schein do teach "efficient control of a dedicated region of the display". The Examiner then provides Eisler as the cure to the deficiency of Nason and Schein. The Examiner states that Eisler shows "flipping to control an operating system controllable primary display area, not being the overscan area for efficient control of a dedicated region of the display."

In response, Applicants first note that claim 1 does not recite "flipping to control an operating system controllable primary display area" or "efficient control of a dedicated region of the display". Thus, it is entirely irrelevant whether Eisler teaches these things. Second, Applicants disagree with the Examiner regarding the teachings of Nason and Schein. As Applicants have previously asserted in the Appeal Brief filed February 21, 2007, Nason and Schein do not teach or suggest "reserving a first portion of a primary display area … controllable by an operating system and to be dedicated for exclusive use and control by a first application program that is not part of said operating system, excluding all other programs, including said operating system, from using or controlling said reserved first portion of operating system controllable primary display area."

As previously argued in the above-identified appeal brief, nothing in Nason and Schein teaches or suggests reserving a portion of the operating system controllable primary display area and excluding the operating system from using or controlling the reserved portion, effectively reducing the portion of the primary display area controlled by the operating system. As the Examiner acknowledges, Nason is concerned with reserving a portion of the overscan area, which is not controllable by the operating system. Hence, Nason does not exclude the operating system because the operating system *never* controls the overscan area.

Further, reserving a portion of the overscan area in no way suggests reserving a portion of the operating system controllable primary display area. Reserving a portion of the overscan area simply requires interfacing with video hardware. Reserving a portion of the area controlled by the operating system in such a fashion that the operating system loses control of that area poses a number of technical challenges not present in the reserving of the overscan area. Additionally, Nason arguably teaches away from reserving a portion of the operating system controllable primary display area by teaching a method of reserving a portion of the overscan area. By allowing a program to reserve the overscan area, Nason obviates the need to leap the technical hurdles associated with reserving a portion of the operating system controllable primary display area.

Also, Schein does not even teach an operating system. Thus, it make no sense to even speak about an operating system controllable primary display area or about excluding the operating system from control of a reserved portion of that area. In fact, Schein does not even teach reserving a portion of a display area for exclusive use. While the Examiner has cited window 220, present in all of Figures 1 and 7-25, as suggesting a portion reserved for exclusive use by a program, Applicants have previously noted that window 220 is not present in Figure 26, which shows the same portion of the display as a menu list with a number of items. Further, nothing in Schein discusses reservation of a portion of the display. Thus, Schein simply does not teach of suggest reservation of a portion of the display area for exclusive use.

Accordingly, contrary to the Examiner's assertion, Nason and Schein do not teach or suggest "reserving a first portion of the operating system controllable primary display area for exclusive use and control by a first program that is not part of the operating system ... excluding all other programs, including said operating system, from using or controlling said reserved first portion of operating system controllable primary display area", as recited by claim 1. Further, Eisler does not cure this defect (and is not cited by the Examiner as doing so). Eisler merely teaches a display controller interface capable of storing and flipping between bitmaps. Nothing in Eisler teaches 1) that the display controller interface is a program that is not part of the operating system and 2) that the display controller interface excludes the operating system from use or control of the portion of the display to which the interface renders the bitmaps. Thus, even when combined with Eisler, Nason and Schein fail to teach or suggest each and every element of claim 1. Thus, Applicants respectfully submit that the Examiner has failed to establish a case of *prima facie* obviousness with respect to claim 1.

In the interests of bringing prosecution on the merits to a close, and despite Applicants' strongly held belief that Nason, Schein, and Eisler do not teach or suggest at least the above discussed elements of claim 1, Applicants have amended claim 1 as previously discussed with the Examiner. Claim 1 now recites, in part, "maintaining said first portion for exclusive use by said first application program, as long as the first portion is reserved for exclusive use by the first application program, until a new reservation is made for said first portion, or until said first

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portion is released from the reservation made by said reserving". Because Nason, Schein, and Eisler do not teach reserving a first portion for exclusive use, it follows that they also fail to teach or suggest maintaining the first portion for exclusive use as long as the first portion is reserved.

Accordingly, Nason, Schein, and Eisler, fail to teach or suggest the recitations of claim 1. Thus, claim 1 is patentable over the combination of Nason, Schein, and Eisler.

Claims 14, 16, 20, and 25 are independent claims having limitations similar to those of claim 1. Thus, for at least the same reasons, claims 14, 16, 20, and 25 are patentable over Nason, Schein, and Eisler.

Claims 2-11, 15, 17-19, 21-23, and 26-28 depend from claims 1, 14, 16, 20, and 25, incorporating their recitations. Thus, for at least the same reasons, claims 2-11, 15, 17-19, 21-23, and 26-28 are patentable over Nason, Schein, and Eisler.

Conclusion

Applicant submits that pending claims 1-34, are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1513. If any fees are due in connection with this paper, the Commissioner is authorized to charge Deposit Account 500393.

Respectfully submitted,
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